

Assembly Bill No. 1071

Passed the Assembly September 10, 1997

Chief Clerk of the Assembly

Passed the Senate September 4, 1997

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Sections 17913, 17920, 17920.9, 17921, 17922.8, 17924, 17927, 17952, 17958, 17958.1, 17958.5, 17958.7, 18928, and 18941.7 of, and to add and repeal Section 18941.9 of, the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 1071, Cardoza. Housing: building standards.

Existing law requires the Department of Housing and Community Development to adopt and submit building standards for approval by the California Building Standards Commission and publication in the California Building Standards Code and to adopt other specified regulations. The standards, rules, and regulations of the department are required to impose substantially similar requirements as are contained in various uniform industry codes, and the department is required to adopt those requirements by reference, with the exception of additions and deletions to them made by the department.

This bill would make technical, nonsubstantive changes to certain of these provisions to conform outdated references in current law.

Existing law requires the Department of Housing and Community Development to notify specified entities of the dates that each of the various uniform codes described in existing law are approved by the California Building Standards Commission.

This bill would, instead, require the department to notify these entities of the dates that each of the uniform codes published by the specific organizations described in existing law are approved by the commission.

Existing law requires the Department of Housing and Community Development, in conjunction with the office of the State Fire Marshal, to report annually to the California Building Standards Commission the modifications and changes made by cities and counties to the building standards published in the California



Building Standards Code and to report any more stringent building standards related to fire and panic safety adopted by a city, county, city and county, or fire protection district.

This bill would delete that requirement.

Existing law, which is repealed January 1, 2003, allows the governing body of a city, county, or city and county to adopt an ordinance that allows a building or other structure located on a military base selected for closure to comply with the California Building Standards Code and other provisions of state law regarding liability in relation to fires in a graduated manner over a period of no more than 3 years if certain conditions including, among other things, that the use of the building or structure is not hazardous to life safety, fire safety, health or sanitation, that the building or other structure has been transferred by the federal government to specified local governmental entities or is under lease between the federal government and any of the specified local governmental entities, and that a compliance plan has been adopted, are met before January 1, 2000.

This bill would include a specified joint powers agency with those specified local governmental entities affected by the bill.

This bill would allow the governing body of a local agency to adopt an ordinance permitting certain buildings or other structures located on military bases, as specified, to comply with specified provisions establishing state building standards and state standards of fire safety, or to any regulations or standards adopted pursuant to state building standards, in a graduated manner over a period of no more than 7 years from the date the property has been transferred by the federal government, provided that specified conditions are met. This provision would be applicable only to a building or other structure for which a local agency adopts a graduated compliance plan, as specified, prior to January 1, 2000. The bill would require the local agency to submit its proposed compliance plan to an engineer, architect, or building inspector for review for compliance with these provisions



and to file the approved plan with the California Building Standards Commission. The bill would repeal these provisions on January 1, 2007.

The California Constitution provides that a local or special statute is invalid in any case if a general statute can be made applicable.

This bill would declare that, due to the unique problems found at the former military bases affected by specified provisions of the bill, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable, and that therefore, this bill is necessary.

This bill would provide that its provisions shall only become operative if AB 125 of the 1997–98 Regular Session is enacted and becomes operative, on or before January 1, 1998.

The people of the State of California do enact as follows:

SECTION 1. Section 17913 of the Health and Safety Code is amended to read:

17913. (a) The department shall notify the entities listed in subdivision (c) of the dates that each of the uniform codes published by the specific organizations described in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 17922 are approved by the California Building Standards Commission pursuant to Section 18930 and the effective date of the model codes as established by the California Building Standards Commission.

(b) The department may publish information bulletins regarding code enforcement as emergencies occur or at any other time the department determines appropriate.

(c) The department shall distribute the information described in subdivision (a), and may distribute the information described in subdivision (b), to the following entities:

(1) The building department in each county and city.



(2) Housing code officials, fire service officials, professional associations concerned with building standards, and any other persons or entities the department determines appropriate.

SEC. 2. Section 17920 of the Health and Safety Code is amended to read:

17920. As used in this part:

(a) “Approved” means acceptable to the department.

(b) “Building” means a structure subject to this part.

(c) “Building standard” means building standard as defined in Section 18909.

(d) “Department” means the Department of Housing and Community Development.

(e) “Enforcement” means diligent effort to secure compliance, including review of plans and permit applications, response to complaints, citation of violations, and other legal process. Except as otherwise provided in this part, “enforcement” may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and effort to secure compliance as to these existing buildings.

(f) “Fire protection district” means any special district, or any other municipal or public corporation or district, which is authorized by law to provide fire protection and prevention services.

(g) “Labeled” means equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization, approved by the department, that maintains a periodic inspection program of production of labeled products, installations, equipment, or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(h) “Listed” means all products that appear in a list published by an approved testing or listing agency.

(i) “Listing agency” means an agency approved by the department that is in the business of listing and labeling products, materials, equipment, and installations tested by an approved testing agency, and that maintains a periodic inspection program on current production of



listed products, equipment, and installations, and that, at least annually, makes available a published report of these listings.

(j) “Noise insulation” means the protection of persons within buildings from excessive noise, however generated, originating within or without such buildings.

(k) “Nuisance” means any nuisance defined pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code, or any other form of nuisance recognized at common law or in equity.

(l) “Public entity” has the same meaning as defined in Section 811.2 of the Government Code.

(m) “Testing agency” means an agency approved by the department as qualified and equipped for testing of products, materials, equipment, and installations in accordance with nationally recognized standards.

SEC. 3. Section 17920.9 of the Health and Safety Code is amended to read:

17920.9. (a) The department shall propose adoption, amendment, or repeal by the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, of those regulations as are necessary for the provision of minimum fire safety and fire-resistant standards relating to the manufacture, composition, and use of foam building systems manufactured for use, or used, in construction of buildings subject to this part, mobilehomes subject to Part 2 (commencing with Section 18000), or factory-built housing subject to Part 6 (commencing with Section 19960), for the protection of the health and safety of persons occupying those buildings, mobilehomes, or factory-built housing. The department shall enforce building standards published in the California Building Standards Code relating to foam building systems, and other rules and regulations adopted by the department or by federal law. Each manufacturer of foam building systems shall have any foam building system manufactured for use in any building, factory-built housing, or mobilehome listed and labeled by an approved testing agency certifying that the system meets



fire safety and fire-resistant building standards published in the California Building Standards Code. The department shall consult with all available public and private sources to assist in the development of the building standards and other rules and regulations.

(b) The department shall make inspections of the manufacture of such foam building systems which it determines are necessary to insure compliance with the requirements of subdivision (a).

(c) No person shall sell, offer for sale, or use in construction of buildings subject to this part, mobilehomes subject to Part 2 (commencing with Section 18000), or factory-built housing subject to Part 6 (commencing with Section 19960), in this state, any foam building system, and no person shall sell or offer for sale in this state any such building, mobilehome, or factory-built housing of which a foam building system is a component, which foam building system does not comply with, or has not been listed and labeled by an approved testing agency certifying that the foam building system is in compliance with, the requirements of subdivision (a) on and after the 180th day after the building standards or other rules or regulations become effective.

This subdivision shall not apply to any buildings, mobilehomes, or factory-built housing constructed prior to the 180th day after those standards become effective.

(d) No person shall sell, offer for sale, or use in construction of any building subject to this part, a mobilehome subject to Part 2 (commencing with Section 18000), or factory-built housing subject to Part 6 (commencing with Section 19960), in this state, any foam building system, and no person shall sell or offer for sale in this state any such building, mobilehome, or factory-built housing of which a foam building system is a component, if the manufacturer thereof refuses to permit the department to conduct the inspections required by subdivision (b) on and after the 180th day after the building standards or other rules or regulations become effective.



(e) As used in this section:

(1) “Foam” means a material made by mixing organic polymers with air or other gases in a manner that forms a solid substance with holes filled with air or gas when the mixture is allowed to set.

(2) “Foam building system” means a system of building materials composed of, in whole or in part, of foam. It includes, but is not limited to, all combinations of systems such as those composed of foam inserted between and bonded to two boundary surface materials or those composed exclusively of foam.

(3) “Building standard” means building standard as defined in Section 18909.

SEC. 4. Section 17921 of the Health and Safety Code is amended to read:

17921. (a) Except as provided in subdivision (b), the department shall propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. Except as otherwise provided in this part, the department shall enforce those building standards and those other rules and regulations. The other rules and regulations adopted by the department may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.

(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations



for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

SEC. 5. Section 17922.8 of the Health and Safety Code is amended to read:

17922.8. The Office of Noise Control may appoint an advisory committee to assist the office in reviewing and revising the noise insulation standards previously adopted.

SEC. 6. Section 17924 of the Health and Safety Code is amended to read:

17924. Rules and regulations shall be promulgated pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and no state department, officer, board, agency, committee, or commission shall have power pursuant to the provisions of this part to publish building standards, as defined in Section 18909, but shall propose and submit those building standards as deemed necessary to carry out the provisions of this part for adoption and publishing pursuant to the provisions of Part 2.5 (commencing with Section 18901).

SEC. 7. Section 17927 of the Health and Safety Code is amended to read:

17927. The department shall propose the adoption, amendment, or repeal of building standards pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for garage door springs for installation in garages which are accessory to apartment houses, hotels, motels, and dwellings as the department determines are reasonably necessary to prevent the death or injury of persons or damage to property resulting from the breaking of the garage door springs. Except as otherwise provided in this part, the department shall enforce building standards



published in the California Building Standards Code relating to garage door springs and other rules and regulations adopted by the department pursuant to this section.

No garage door spring which violates the provisions of any building standard published in the California Building Standards Code relating to garage door springs or any other rule or regulation adopted by the department pursuant to this section shall be sold or offered for sale, or installed in any garage which is accessory to an apartment house, hotel, motel, or dwelling, on or after the date of publication of the building standard or the effective date of the rule or regulation.

SEC. 8. Section 17952 of the Health and Safety Code is amended to read:

17952. (a) In the event of nonenforcement of this part, or the building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to the provisions of this part, such provisions, building standards or other rules and regulations shall be enforced by the department in any city or county after the department has given written notice to the governing body of that city or county or fire protection district, as the case may be, of a violation of this part, those building standards, or the other rules or regulations promulgated pursuant to the provisions of this part and the city or county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of that notice. The city or county or fire protection district may request a hearing before the department pursuant to Section 17930 within the 30 days to show cause for nonenforcement. Enforcement by the department shall not be initiated until the decision of the department, adverse to the city or county or fire protection district, is rendered.

(b) In the event of enforcement by the department pursuant to subdivision (a), the costs incurred by the department for such enforcement shall be borne by such city, or county, or city and county, or fire protection



district. The department may assess fees to defray the costs of enforcement, thereby reducing the cost to be borne by the city, county, city and county, or fire protection district, but the department need not assess such fees and may not require the city, county, city and county, or fire protection district to assess fees to offset department costs.

SEC. 9. Section 17958 of the Health and Safety Code is amended to read:

17958. Except as provided in Sections 17958.8 and 17958.9, any city or county may make changes in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations thereafter adopted pursuant to Section 17922 to amend, add, or repeal ordinances or regulations which impose the same requirements as are contained in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations adopted pursuant to Section 17922 or make changes or modifications in those requirements upon express findings pursuant to Sections 17958.5 and 17958.7. If any city or county does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes or modifications in those requirements upon express findings, the provisions published in the California Building Standards Code or the other regulations promulgated pursuant to Section 17922 shall be applicable to it and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions, and deletions to the California Building Standards Code adopted by a city or county pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.

SEC. 10. Section 17958.1 of the Health and Safety Code is amended to read:

17958.1. Notwithstanding Sections 17922, 17958, and 17958.5, a city or county may, by ordinance, permit



efficiency units for occupancy by no more than two persons which have a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities, as specified by the ordinance. In all other respects, these efficiency units shall conform to minimum standards for those occupancies otherwise made applicable pursuant to this part.

“Efficiency unit,” as used in this section, has the same meaning specified in the Uniform Building Code of the International Conference of Building Officials, as incorporated by reference in Chapter 2-12 of Part 2 of Title 24 of the California Code of Regulations.

SEC. 11. Section 17958.5 of the Health and Safety Code is amended to read:

17958.5. Except as provided in Section 17922.6, in adopting the ordinances or regulations pursuant to Section 17958, a city or county may make such changes or modifications in the requirements contained in the provisions published in the California Building Standards Code and the other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions.

For purposes of this subdivision, a city and county may make reasonably necessary modifications to the requirements, adopted pursuant to Section 17922, contained in the provisions of the code and regulations on the basis of local conditions.

SEC. 12. Section 17958.7 of the Health and Safety Code is amended to read:

17958.7. (a) Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the California Building



Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.

(b) The California Building Standards Commission may reject a modification or change filed by the governing body of a city or county if no finding was submitted.

SEC. 13. Section 18928 of the Health and Safety Code is amended to read:

18928. (a) Each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

(b) Each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent editions of the model codes, as amended or proposed to be amended by the adopting agency, within one year after the date of publication of the model codes, national standards, or specifications. The “date of publication of a model code, national standard, or specification” is either of the following:

(1) The date of publication printed in the model code, national standard, or specification. If only a month and year are shown by the model code, national standard, or specification adopting agency or body, the date of publication shall be considered to be the last day of the month shown.

(2) The date determined by the commission, if no publication date is shown in the model code, national standard, or specification. The commission shall notify all adopting agencies of its determination within 15 days.

(c) If the adopting agencies fail to comply with subdivision (b), the commission shall convene a committee to recommend to the commission the adoption, amendment, or repeal, on the agencies’ behalf, of the most recent editions of the model codes, national standards, or specifications and necessary state standards.



SEC. 14. Section 18941.7 of the Health and Safety Code is amended to read:

18941.7. (a) The governing body of a city, county, city and county, or a joint powers agency which has been authorized to adopt and administer building and fire safety codes and standards may adopt an ordinance that allows a building or other structure located on a military base selected for closure by action of the federal Defense Base Closure and Realignment Commission to comply with this part and Division 12 (commencing with Section 13000), or any regulations or standards promulgated pursuant to this part, in a graduated manner over a period of no more than three years from the earlier of either the date the property has been transferred by, or the date a lease is entered into with, the federal government pursuant to paragraph (2), if all of the following conditions are met:

(1) The use of the building or structure is not hazardous to life safety, fire safety, health, or sanitation, as determined by the local building official and fire marshal.

(2) The building or other structure has been transferred by the federal government to the city, county, city and county, redevelopment agency, joint powers agency, or reuse entity or is under a lease between the city, county, city and county, redevelopment agency, joint powers agency, or reuse entity and the federal government.

(3) The governing body of the city, county, city and county, or a joint powers agency which has been authorized to adopt and administer building and fire safety codes and standards adopts a graduated compliance plan which includes all of the following:

(A) Requirements for buildings and structures with:

(i) No change in occupancy or use with no anticipated alterations.

(ii) No change in occupancy or use with planned alterations.

(iii) Change in occupancy or use with no anticipated alterations.



(iv) Change in occupancy or use with planned alterations.

(B) Requirements for a building and structure compliance inspection and a fire department inspection, and for preparation of inspection reports, prior to issuing a certificate of occupancy.

(C) Requirements for the inspection reports prepared pursuant to subparagraph (B) to be attached to the certificate of occupancy or provided to the occupants of the building or other structure.

(D) Requirements for the terms and period of time for compliance to be specified in the sublease.

(b) Nothing in this section affects the requirement of state consent to retrocession pursuant to Section 113 of the Government Code.

(c) This section shall be applicable to a building or other structure for which the conditions in paragraphs (1), (2), and (3) of subdivision (a) are met before January 1, 2000.

(d) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later-enacted statute, that is enacted before January 1, 2003, deletes, or extends that date.

SEC. 15. Section 18941.9 is added to the Health and Safety Code, to read:

18941.9. (a) The governing body of a local agency may adopt an ordinance that allows a building or other structure located on a former military base to comply with this part and Division 12 (commencing with Section 13000), or to any regulations or standards promulgated pursuant to this part, in a graduated manner over a period of no more than seven years.

(b) This section shall apply only to those buildings and other structures located on the following military bases or on specified portions of former military bases that were selected for closure or realigned by action of the federal Defense Base Closure and Realignment Commission:

(1) At the former Castle Air Force Base, Building 1015 and Building 1075.



(2) At the former Hamilton Air Force Base, approximately 38 acres, commonly known as Planning Areas 6, 8, 9, and 10.

(3) The former Hunter's Point Naval Shipyard.

(4) The former Treasure Island Naval Station.

(5) The former San Diego Naval Training Center.

(6) At the Marine Corps Air Station-Tustin, approximately 100 acres, commonly known as Planning Areas 1, 2, 3, 6, 8, 9, 10, 16, and 17.

(7) At the Marine Corps Air Services-El Toro, Buildings 295, 296, 297, 313, 317, 318, 319, 360, 371, and 722.

(8) At the former Castle Air Force Base, Buildings 54, 175, 765, 871, 1015, 1200, 1212, 1213, 1319, 1320, 1322, 1324, 1332, 1333, 1335, 1340, 1509, 1535, 1540, and 1545.

(9) At the Oakland Army Base, Buildings 641, 645, 646, 655, 660, 701, 726, 738, 740, 780, 790, 792, 794, 796, 802, 803, 804, 805, 806, 807, 808, 821, 822, and 823.

(10) At the former Naval Air Station Alameda, Buildings 2, 3, 4, 5, 8, 16, 17, 18, and 94.

(11) At Point Molate Naval Fuel Depot, Buildings 1, 6, 17, 63, 76, 85, 87, 123, and 132.

(c) The period for graduated compliance shall begin with the earlier of either the date the title to the property was transferred by, or the date a lease is entered into with, the federal government to the local agency.

(d) The authority for a local agency to adopt an ordinance pursuant to this section is an alternative to the authority provided by Section 18941.7, and shall not be used consecutively with Section 18941.7.

(e) An ordinance adopted by a local agency pursuant to subdivision (a) shall not apply to a building or other structure that will be used as a residence.

(f) Prior to the adoption of the ordinance pursuant to subdivision (a), each of the following conditions shall be met:

(1) The use of the building or other structure is not hazardous to life safety, fire safety, health, or sanitation, as determined by the application of state and local building and fire codes and standards by the local building official and fire marshal.



(2) The building or other structure has been transferred by the federal government to the local agency or is under a lease between the local agency and the federal government.

(3) The governing body of the local agency adopts a graduated compliance plan which includes all of the following:

(A) Requirements for buildings and structures with:

(i) No change in occupancy or use with no anticipated alterations.

(ii) No change in occupancy or use with planned alterations.

(iii) Change in occupancy or use with no anticipated alterations.

(iv) Change in occupancy or use with planned alterations.

(B) Requirements for a building and structure compliance inspection and a fire department inspection, and for preparation of inspection reports, prior to issuing a certificate of occupancy.

(C) Requirements for the inspection reports prepared pursuant to subparagraph (B) to be attached to the certificate of occupancy or provided to the occupants of the building or other structure.

(D) Requirements for the terms and period of time for compliance to be specified in the certificate of occupancy.

(E) Requirements that the alterations conform to the standards that were in effect at the time of the alteration.

(g) (1) Before adopting the graduated compliance plan, the local agency shall arrange for the review of the draft plan by an engineer, architect, or building inspector. The engineer or architect shall be licensed by the State of California, and the building inspector shall be certified by the International Conference of Building Officials or another similar recognized state, national, or international association. The engineer, architect, or building inspector shall not be an employee of the local agency.



(2) The engineer, architect, or building inspector shall review the draft plan for its consistency with the requirements of this section, and report his or her written findings and recommendations to the local agency. If the engineer, architect, or building inspector finds that the draft plan is not consistent with the requirements of this section, the engineer, architect, or building inspector shall recommend changes to the draft plan to achieve consistency.

(3) The local agency shall consider the findings and recommendations of the engineer, architect, or building inspector. If the engineer, architect, or building inspector finds that the draft plan is not consistent with the requirements of this section, the local agency shall take one of the following actions:

(A) Change the draft plan to be consistent with the requirements of this section, as recommended by the engineer, architect, or building inspector.

(B) Adopt the draft plan with some of the recommended changes or without changes, provided that the local agency makes written findings that explain the reasons why the local agency believes that the draft plan, as adopted, is consistent with the requirements of this section despite the findings and recommendations of the engineer, architect, or building inspector which were not adopted by the local agency.

(4) The local agency shall file a copy of the approved graduated compliance plan with the California Building Standards Commission.

(h) (1) Five years after the beginning of the period for graduated compliance specified in subdivision (b), the local agency shall arrange for an engineer, architect, or building inspector to determine whether the buildings or other structures adhere to the graduated compliance plan. The engineer or architect shall be licensed by the State of California and the building inspector shall be certified by the International Conference of Building Officials or another similar recognized state, national, or international association. The engineer, architect, or



building inspector shall not be an employee of the local agency.

(2) If the engineer, architect, or building inspector determines that the building or other structure does not adhere to the graduated compliance plan, the local building official shall initiate appropriate proceedings to withdraw the certificate of occupancy for that building or structure.

(i) Nothing in this section affects the requirement of state consent to retrocession pursuant to Section 113 of the Government Code.

(j) As used in this section, “local agency” means a city, county, or city and county. When authorized by state law or local ordinance to adopt and administer building and fire safety codes and standards, a community redevelopment agency, a reuse entity, or a joint powers agency may also be a “local agency” for the purposes of this section.

(k) This section shall be applicable to a building or other structure for which a local agency adopts a graduated compliance plan before January 1, 2000.

(l) Any taxpayer, property owner, resident, or public agency has standing to enforce the provisions of this section.

(m) Nothing in this section shall affect local, state, or federal laws as they relate to access to the disabled.

(n) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

SEC. 16. The Legislature finds and declares that a general statute, within the meaning of Section 16 of Article IV of the California Constitution, cannot be made applicable to the unique problems found at the former military bases affected by Section 15 of this act, and that, therefore, this act is necessary.

SEC. 17. This act shall only become operative if AB 125 of the 1997–98 Regular Session is enacted, and becomes operative, on or before January 1, 1998.

Approved _____, 1997

Governor

